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RUEKJCS/SECDEF WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3591
RHEFDIA/DIA WASHDC PRIORITY
RHMFIUU/CDR USPACOM HONOLULU HI PRIORITY
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SENSITIVE
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SUBJECT: NEPAL EXTENDS OHCHR, BUT FUNDS NEEDED

Summary

1.(SBU) The Office of the High Commissioner for Human Rights (OHCHR) formally received an extension to its mandate, enabling it to continue operating in Nepal until mid-June 2010. OHCHR made an appeal for further funding; current funding runs only through December 2009. The extension also appears to have given momentum to signing a capacity development project agreement. OHCHR Geneva's response letter is still being drafted, but is likely to accept the mandate extension. Tensions between OHCHR and Nepal's National Human Rights Commission remain, though working level cooperation continues to function well.

OHCHR Dissects GON Extension Letter

2. (SBU) On July 10, Office of the High Commissioner for Human Rights (OHCHR) Representative Richard Bennett convened a donor meeting to discuss OHCHR's mandate extension and funding needs. Foreign Secretary Acharya wrote to OHCHR on July 7 to inform OHCHR of the Government of Nepal's (GON) decision to extend OHCHR-Nepal's current mandate through June 9, 2010. (Note: A three-month extension, from June 9, 2009 through September 9, 2009 had already been offered and accepted.) Bennett lamented the language used by the GON in its formal mandate extension letter; specifically, the GON highlighted its own accomplishments did not acknowledge any need for help with the human rights situation in Nepal.

3. (SBU) The letter also highlighted the role and status of Nepal's National Human Rights Commission (NHRC). Bennett and German Ambassador von Roedern interpreted OHCHR's previous outreach to, and cooperation with, the NHRC as sufficient. However, other donors read the letter as a call for improved cooperation and relations between the two institutions. Bennett further viewed the GON's expectation that "staffing and operations be adjusted accordingly" as a clause that had already been met by the decrease in staffing and budget versus 2007, and thus one that did not need further action on OHCHR's part.

Show Me the Money: Please

4. (SBU) OHCHR made an appeal for further funding; current funding runs only through December 2009. The projected 12

month budget for 2010 is currently \$6.5 million. While OHCHR-Geneva has apparently committed to make up any shortfall for 2009, funds are still needed for 2010. OHCHR also requested donor countries keep repeating the message to NHRC that NHRC will not necessarily be the beneficiary of any funding donors have been providing to OHCHR-Nepal; thus OHCHR's departure would not improve the financial resources available to NHRC.

Capacity Development Projects With NHRC

15. (SBU) OHCHR and NHRC met July 15 to discuss a long-delayed capacity development project, their first meeting since the GON's decision to extend OHCHR's mandate. According to Andrew Palmer (OHCHR), NHRC's position regarding OHCHR has changed markedly and there is a clear agreement that the capacity development project will be signed soon. He said NHRC has moderated its approach toward OHCHR, even appearing deferential and asking for assistance from OHCHR. Palmer believes there is strong division among the five-member NHRC commissioners. One of the commissioners, Lila Pathak, is threatening to resign, apparently due to internal differences and gender discrimination.

Comment

16. (SBU) OHCHR would have preferred a longer extension, but appears to accept that one-year is all that is being offered now, and even that was a struggle to get through the cabinet.

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NHRC Commissioner Gauri Pradhan told Emboff on July 13 that NHRC is concerned about OHCHR continuing to have the ability to conduct independent investigations rather than just do capacity building and support for NHRC. Depending upon whether, and how, OHCHR acknowledges the references to NHRC's role in its current actions and the extension letter, tensions between the two organizations could be mitigated or further exacerbated. OHCHR has yet to respond to the offer to extend the mandate, perhaps because the High Commissioner for Human Rights was traveling last week. Post expects however, that a response accepting the mandate extension will be issued soon.

MOON